



WEST VIRGINIA LEGISLATURE  
STATE CAPITOL  
CHARLESTON, WEST VIRGINIA 25305

January 11, 2016

West Virginia Legislature  
Charleston, West Virginia

Ladies and Gentlemen:

Pursuant to West Virginia Code §31-20-26, the Legislative Oversight Committee on Regional Jail and Correctional Facility Authority submits the following report to the Legislature during the 2016 Regular Session.

The Committee met on Sunday, September 13, 2015, and received various monthly reports from the West Virginia Division of Corrections, West Virginia Regional Jail and Correctional Facility Authority and the Division of Juvenile Services.

Jim Rubenstein, Commissioner, Division of Corrections, addressed new training programs in response to sexual assault complaints, and the launch of the Division's advertising campaign in an effort to fill vacancies.

David Farmer, Executive Director, Regional Jail and Correctional Facility Authority, addressed the Committee regarding sexual assault concerns, staffing concerns, and the implementation of a possible "Inmate Tablet Program." Mickey Skeens, Administrative Service Assistant, Regional Jail and Correctional Facility Authority, addressed the Committee and responded to questions regarding the issue of inmates receiving tablets. Mr. Farmer stated that the Regional Jail and Correctional Facility Authority will be seeking legislative approval before moving forward with the tablet implementation program.

Stephanie Bond, Director, Division of Juvenile Services, addressed the Committee and discussed the Divisions' involvement in the Prison Rape Elimination Act (PREA), the three new Youth Reporting Centers, and the implementation of Performance-based Standards (PbS).

The West Virginia Division of Corrections submitted the following report:

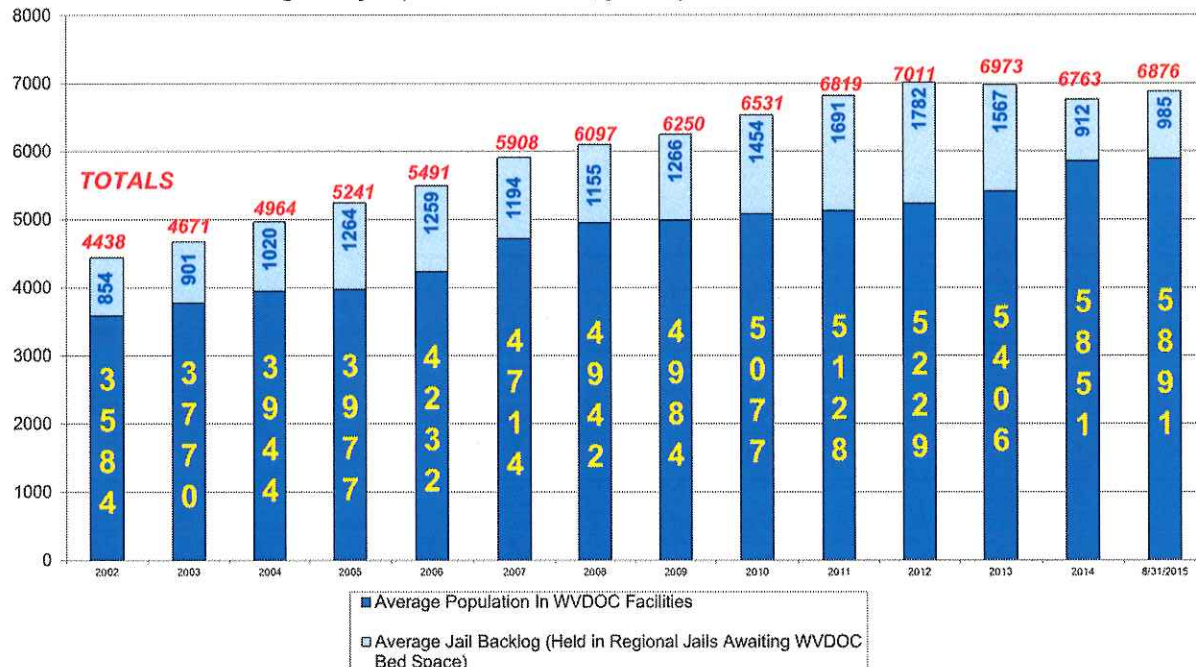
**WVDOC Population Continues to Increase**

The WVDOC population continues to increase, as of 8/31/2015 we had over 6,800 total prisoners with 985 being held in Regional Jails awaiting bed space. We are operating at capacity but are also exploring options for expansion as they become available.

## *West Virginia Division of Corrections*

09/01/15

Average Yearly Population 2002- 2014, plus Population Count on 08/31/15



### Staffing Concerns

The WVDOC is experiencing Correctional Officer shortages at multiple facilities. Of greatest concern is Huttonsville Correctional Center, where by mid-August there were 73 correctional officer vacancies. The WVDOC has recently begun an advertising campaign to encourage new applicants and has worked to reduce other barriers to employment. Staff at all facilities are working diligently to fill the vacancies.

### Legal Action Update

The WVDOC Office of General Counsel is handling numerous issues at all times related to inmate lawsuits, grievances, and other concerns, as well as handling staff grievances. There is nothing specifically troubling to update the committee on at this time.

### Sexual Assault Concerns

The WVDOC has implemented policies in order to become compliant with the Prison Rape Elimination Act of 2003 Standards. To enhance this effort WVDOC staff have recently begun a process to obtain consulting services from the PREA Resource Center to give us further guidance on potential operational or training changes to enhance our response to Sexual Assault.

The West Virginia Regional Jail and Correctional Facility Authority submitted the following report:



### **RJA Inquiry into Tablet Implementation**

To address some of the security concerns surrounding the inquiry of the tablets, please understand that the tablet is a corrections hardened device, it is not a tablet that is commercially available off the shelf (i.e. an iPad or Samsung). Also, there is absolutely no access to the internet or any other materials that have not been approved by the RJA. The tablets are securely operated by a pre-installed safety system which regulates the device, thus allowing only the ability to stream approved music, download appropriate educational materials and complete inmate phone calls on the tablet are routed through the inmate telephone platform and adhere to the same stringent security measures as the phones on the wall including quotas, allowed number lists, blocked call lists, etc. All calls placed on the tablet are recorded and can be monitored live or after the call completes. The tablet phone calls can be analyzed with all the same investigative tolls as the calls placed from the phones hanging on the walls of the housing units. With all of that said, all risks including unregulated communications, consumer fraud, continued drug/criminal activity, witness intimidation and internet access to pornographic and other undesired material are eliminated and should be of no concern to the RJA or the public. Public Safety is always RJA's first priority.

The Agency has made one site visit to Knox County Detention Center in Knoxville, Tennessee. This is a County Jail Facility with 2,900 inmates. The Agency is currently planning another site visit to Rappahannock County, Virginia, to visit the Rappahannock County Regional Jail. This is a County facility that holds 1,300 inmates. Both of these facilities are currently utilizing tablets.

The Agency's goals would be to both reduce inmate movement and generate revenue through utilization. Research continues on this subject.

### **Legal Action Update**

The Regional Jail Authority continues to work through the Attorney General's Office and outside counsel, on lawsuits, inmate grievances, and employee grievances. The Agency has hired an in-house General Counsel to begin on September 8<sup>th</sup>.

### **Sexual Assault Concerns**

The Regional Jail Authority is committed to enhancing the safety and security of all RJA offenders. Each year the RJA collects accurate uniform, data of all Prison Elimination Act (PREA) allegations submitted. By collecting, examining and comparing this year with previous years data; the RJA prevention, detection and response of sexual abuse incidents is improved and negative trends can be more readily addressed before they become problem areas.

The Agency's policy on PREA violations is clear: Zero Tolerance. All criminal acts are reported to the West Virginia State Police for investigation.

### **Staffing Concerns**

The filing of vacancies is a priority for the Agency. In our efforts to reduce our vacancy rate, we continue to host job fairs in cooperation with Work Force West Virginia in various regions of the State to expand our applicant pool for Correctional Officers. The revisions to the Correctional Officer qualifications have allowed a greater participation in our applicant pool and to our hiring efforts for Correctional Officers and in the interviewing and selection processes.



We have changed the uniformed physical pre-agility test to allow for a more efficient system that will enable Correctional Officers to perform anticipated situations in virtually every aspect of their duties more effectively and efficiently when required. This process attempts to get the right people in the right jobs and is [art of our succession planning efforts.

The Regional Jail and Correctional Facility Authority submitted the following report:

**Highlights:**

1. The year of 2015 has been the "Year of Juvenile Justice" in West Virginia especially with the Passing and subsequent Governor's signing of SB393. DJS in particular has jumped into the mix in full force striving to be creative, innovative, and collaborative as we strive to develop a positive, state of the art juvenile justice system for the State. As we evolve in the process of program development we continue to highly regard the need of the youth as well as the employees which provide security and treatment programs to the youth. We continually seek to ensure the safety and welfare of every youth and employee throughout the Division.
2. DJS was approved to establish three new Youth Reporting Centers in the new budget year. We have been trying to get these approved for several years and initially hope to work with three new communities to establish these centers which will provide an alternative to residential placements for delinquently charged youth. As we have moved forward we now are seeking to establish some form of "Day Treatment/Community-based care" to an additional seven (7) counties throughout the State. The "seed" money for the YRCs will potentially save our state financially in that it cost approximately \$42.00/day for every youth in the YRC compared to over \$300.00/day--\$500/day for residential youth.
3. DJS has been significantly involved in the Prison Rape Elimination Act (PREA). PREA strives to educate staff and residents in order to reduce and ultimately eliminate sexual abuse and harassment of the youth in our care. We presently have been certified compliant to the standards in two facilities. We have established a goal of August, 2016 to be certified compliant with all PREA standards which correlates with the United States Department of Justice Mandates for all states in both adult and juvenile corrections.
4. DJS took the initiative in 2013 to implement PbS standards throughout our agency's policies and directives. We began in earnest the PbS process initially at the Honey Rubenstein Juvenile Center in Tucker County and have made positive strides in meeting national standards for youth in care and that facility continues to evolve in a positive way. In 2015 we have begun the implementation of PbS standards at the Donald Kuhn Juvenile Center in Boone County. We have completed the initial training of staff for the PbS program and will begin and initial data collection in October of this year. It is the goal of PbS as well as the goal of DJS to ensure that everything possible is being done to promote the well-being of our youth and staff. The primary focus of PbS is in the following areas: Safety, Security, Order, Health and Mental Health, Justice, Programming, Reintegration, and Family and social support.
5. DJS along with our sister agencies continues to struggle to hire and retain employees due essentially to low pay, changing shifts, long hours including unwanted overtime, and the difficult nature of the work. We seem to be getting more and more applicants that are younger and closer to the age of the youth we serve which creates a variety of job related problems.

6. DJS is preparing for upcoming changes to the Robert Shell Juvenile Center in Barboursville. Presently the facility houses "lower-end" delinquents but has been primarily a facility for housing status offenders out by finding positive alternative community-based and residential treatment program for them. We will be moving our diagnostic and evaluation center which is presently at the Donald Kuhn Center to the Shell facility. This will allow us to house only two specific populations at the Kuhn Center while providing continued positive diagnostic evaluations for a higher risk delinquent population. We plan on a start date for the diagnostic center move to the Shell facility by January 4, 2016.

Respectfully submitted,



Senator Craig Blair,  
Co-Chair



Delegate John McCuskey,  
Co-Chair